

OUTTEN & GOLDEN LLP

Adam T. Klein (AK 3293)
Justin M. Swartz (JS 7989)
Cara E. Greene (CG 0722)
3 Park Avenue 29th Floor
New York, New York 10016
Telephone: (212) 245-1000
Facsimile: (212) 977-4005

STUEVE SIEGEL HANSON LLP

George A. Hanson
Matthew L. Dameron
460 Nichols Road, Suite 200
Kansas City, Missouri 64112
Telephone: (816) 714-7100
Facsimile: (816) 714-7101

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JOHNNY ALMONTE, individually and on behalf
all others similarly situated,

Plaintiff,

v.

NEXTEL OF NEW YORK, INCORPORATED,

Defendant.

07 CV 6065-RNB

**JOINT MOTION FOR TRANSFER TO THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS
PURSUANT TO 28 U.S.C. § 1404(a)**

The parties hereby jointly request that this Court transfer the above-captioned matter to the United States District Court for the District of Kansas pursuant to 28 U.S.C. § 1404(a). Section 1404(a) provides:

For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

28 U.S.C. § 1404(a). Evaluating whether to transfer an action “requires a balancing of conveniences” and it is “left to the sound discretion of the district court.” *Filmline (Cross-Country) Productions, Inc. v. United Artists Corp.*, 865 F.2d 513, 520 (2d Cir. 1989) (internal

citations omitted). For the reasons set forth in their Memorandum in Support of the Parties' Joint Motion for Transfer, the parties' Motion satisfies the standards of section 1404(a).

Accordingly, the parties respectfully request that the Court grant their Joint Motion for Transfer to the United States District Court for the District of Kansas, and grant any other relief the Court deems just and proper.

Dated: New York, New York
March 19, 2008

By: /s/ Cara E. Greene

OUTTEN & GOLDEN LLP

Adam T. Klein (AK 3293)
Justin M. Swartz (JS 7989)
Cara E. Greene (CG 0722)
3 Park Avenue, 29th Floor
New York, New York 10016
Telephone: (212) 245-1000

STUEVE SIEGEL HANSON LLP

George A. Hanson
Matthew L. Dameron
330 West 47th Street, Suite 250
Kansas City, Missouri 64112
Telephone: (816) 714-7112

**Attorneys for Plaintiffs
and the Putative Class**

By: /s/ Mike Delikat

**ORRICK, HERRINGTON &
SUTCLIFFE LLP**

Michael Delikat
Aimee B. Florin
666 Fifth Avenue
New York, New York 10103
Telephone: (212) 506-5000

ROGERS & HARDIN LLP

Hunter S. Hughes
229 Peachtree St. NE
Atlanta, GA 30303
Telephone: (404) 420-4622

**Attorneys for Defendant
Nextel of New York**